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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,252	11/29/2000	Chih-Hua Wang	3626-0125P	8248

2292 7590 06/02/2004

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EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/725,252

**Applicant(s)**

WANG ET AL.

**Examiner**

Akiba K Robinson-Boyce

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Status of Claims***

1. Due to communications filed 11/29/00, the following is a first, non-final office action. Claims 1-12 are pending in this application and have been examined on the merits. Claims 1-12 are rejected as follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautzenheiser et al (US 6,728,699).

As per claims 1, 7, Lautzenheiser et al discloses:

A recording procedure, which records in a questionnaire database selection results of the options of the questions obtained in the previous questionnaire/a storage device, which stores a questionnaire database that records the selection results of the options in the questions obtained in the previous questionnaire, (Abstract, lines 1-4, [using prior results when processing successive database requests by storing selected results], col. 34, lines 31-41, [shows a survey database], (Col. 7, lines 43-44, [storage device]));

An analysis procedure, which analyzes selection ratios of the options according to the selection results, (Col. 30, line 54-Col. 31, line 4, [survey analysis program that analyzes weakness, where correlation represents the ratio]);

A modification procedure, which deletes a particular problem from the questionnaire when the selection ratio of a particular option is higher than a predetermined value/a processing unit, which executes an analysis procedure and a modification procedure, wherein the analysis procedure analyzes the selection ratios of the options according to the selection results stored in the questionnaire database, and the modification procedure deletes a particular problem from the questionnaire when the selection ratio of a particular option is higher than a predetermined value, (col. 23, lines 27-33, [In this case, Lautzenheiser et al doesn't specifically disclose the word "delete", however, does disclose that the survey questions are provided to the caveats block. According to Merriam Webster's Collegiate Dictionary, a caveat represents a warning enjoining one from certain acts. In this case, "one" is represented by the problem and "certain acts" are represented by the questionnaire], Col. 7, line 41, [processor 14]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to delete a particular problem from the questionnaire with the motivation of eliminating a question whose results would present a weak analysis.

As per claims 2, 8, Lautzenheiser et al discloses:

A recording procedure further stores in the questionnaire database basic data of previous questionees involved in the previous questionnaire; and the analysis procedure further considers the basic data of the previous questionees when analyzing

the selection ratios of the options, (Abstract, lines 4-8, [prior results generated and stored and using prior results to process subsequent user requests]).

As per claims 3, 9, Lautzenheiser et al discloses:

Further comprising a question providing procedure, which provides the questions in the questionnaire to a current questionee, (col. 11, lines 5-16, [display a list of generic questions that correspond to actual questions]).

As per claims 4, 10, Lautzenheiser et al discloses:

Wherein the modification procedure further takes into account the basic data of the current questionee in order to help in deleting the particular question from the questionnaire in the modification procedure, (col. 11, lines 16-29, [providing data requests to survey analysis module]).

As per claim 5, 11, Lautzenheiser et al discloses:

Wherein the question providing procedure simultaneously provides all of the questions to the current questionee, (col. 11, lines 10-11, [displays a listing of questions], Fig. 8, {308}).

As per claim 6, 12, Lautzenheiser et al does not specifically disclose wherein the question providing procedure provides one of the questions to the current questionee at a time, however, this limitation is obvious with Lautzenheiser et al's system since Lautzenheiser et al discloses that the questions are presented to the user in a list form, and since the questions are from a database, these questions can therefore be removed and added to this list when necessary. Therefore, the user can be presented with one question at a time if all but one question is removed from the list/database.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention provide one of the questions at a time with the motivation of providing the user with a format where questions can be easily determined by the user.


***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
May 24, 2004

  
**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**